

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of ) DOCKET NO. 930424-EI  
proposal for incentive return on )  
demand-side management )  
investments by Florida Power )  
Corporation. )  

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In Re: Request for approval of ) DOCKET NO. 930444-EI  
proposal for revenue decoupling ) ORDER NO. PSC-94-0436-FOF-EI  
by Florida Power Corporation. ) ISSUED: April 11, 1994  

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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
DIANE K. KIESLING  
LUIS J. LAUREDO

ORDER DEFERRING AGENCY ACTION

BY THE COMMISSION:

APPEARANCES:

JAMES A. MCGEE, Esquire, Post Office Box 14042, St. Petersburg, Florida 33733-4042  
On behalf of Florida Power Corporation.

JOHN W. MCWHIRTER, JR., Esquire, McWhirter, Reeves, McGlothlin, Davidson & Bakas, Post Office Box 3350, Tampa, Florida 33601-3350 and JOSEPH A. MCGLOTHLIN, Esquire and VICKI G. KAUFMAN, Esquire, McWhirter, Reeves, McGlothlin, Davidson & Bakas, 315 South Calhoun Street, Suite 716, Tallahassee, Florida 32301  
On behalf of Florida Industrial Power Users Group.

DEBRA SWIM, Esquire, Legal Environmental Assistance Foundation, Inc., 1115 North Gadsden Street, Tallahassee, Florida 32303-6327  
On behalf of the Legal Environmental Assistance Foundation, Inc..

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0436-FOF-EI  
DOCKETS NOS. 930424-EI, 930444-EI  
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BENJAMIN OCHSHORN, Esquire, Florida Legal Services, 511  
Beverly Street, Tallahassee, Florida 32301  
On behalf of the Florida Client Council.

MICHAEL A. PALECKI, Esquire, Florida Public Service  
Commission, 101 E. Gaines Street, Tallahassee, Florida  
32399-0863  
On behalf of the Commission Staff.

PRENTICE P. PRUITT, Esquire, Florida Public Service  
Commission, 101 E. Gaines Street, Tallahassee, Florida  
32399-0862  
On behalf of the Commissioners.

In April of 1993, Florida Power Corporation (FPC) filed with the Commission a demand side management incentives proposal and a revenue decoupling proposal. An evidentiary hearing was held on FPC's proposals on January 19 and 20, 1994.

Hearings on adoption of numeric conservation goals for Florida's investor owned electric utilities are currently scheduled before the Commission in June of 1994. We believe that our decision on whether or not to adopt incentives or decoupling for Florida Power Corporation should be deferred until after the hearing on adoption of numeric conservation goals.

Our decision to defer this matter is neither a rejection nor an endorsement of decoupling or incentives for Florida Power Corporation. We simply elect to receive information on numeric conservation goals for Florida Power Corporation before taking action on FPC's decoupling and incentives proposals.

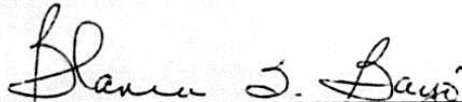
This docket shall remain open. This matter may be rescheduled for Commission vote on its own motion at any time.

It is therefore,

ORDERED that the Commission's consideration of the revenue decoupling and demand side management incentives proposals submitted by Florida Power Corporation in these dockets is hereby deferred. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 11th  
day of April, 1994.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )  
MAP:bmi

Chairman J. Terry Deason and Commissioner Diane K. Kiesling  
dissented.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.